

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MA & UD Department – Municipal Council's - Nidadavole Municipal Council – Council Resolution No.13, Dated:28.04.2008 - Cancellation – Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (J) DEPARTMENT

G.O.MS. No. 105

Dated: 11.02.2009.

Read the following:-

- Ref: 1. Proceedings No.4083/2008/(H6), Dated:22.06.2008 of the District Collector, West Godavari District.
2. From the Commissioner and Director of Municipal Administration, Andhra Pradesh, Hyderabad Lr.No.16541/2008/N1-1, Dated:17.09.2008.
3. Govt., Memo. No. 15654/J1/2008-1, Dt: 01.11.2008.
4. Explanation from the Chairperson, Nidadavole Municipality, Dated 20.12.2008

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O R D E R:-

Whereas, the Commissioner & Director of Municipal Administration, Andhra Pradesh, Hyderabad in his letter second cited has stated that the Municipal Commissioner, Nidadavole has informed that tenders were called for engaging 50 Nos. of contract labour for maintenance of sanitation in Nidadavole Municipality for a period of 11 months for the year 2008-09. In response to the above 3 tenders were received. The lowest tender is quoted for Rs.115/- by the President, Sri Sai Chaitanya Panivarala Samkshema Sangham, Nidadavole and the tenderer has agreed to contribute the ESI & PF to the labour as per norms. The same has been placed before the Municipal Council, Nidadavole for its approval. Further Municipal Council, Nidadavole has resolved to accept the highest rate of Rs.125.50 Ps quoted by Mr.B. Vijaya Kumar instead of accepting the lowest tender of Rs.115/- against the tender rules and also financial position of the Municipality vide C.R.No.13, Dated:28.04.2008. The Commissioner, Nidadavole Municipality has requested the District Collector, West Godavari District to suspend the above resolution of the Council as it is causing financial loss of Rs.1,50,150/- per annum to the Nidadavole Municipality.

2. Since the resolution attracts the financial loss to Nidadavole Municipality, the District Collector, West Godavari District has suspended the Council Resolution No.13, Dated:28.04.2008 passed by the Municipal Council, Nidadavole under Section 70 read with Section 59 (I)(ii) of the A.P. Municipalities Act, 1965.

3. The Commissioner & Director of Municipal Administration, Andhra Pradesh, Hyderabad keeping in view the above position in view the financial interest of the Nidadavole Municipality has requested the Government to cancel the said Council Resolution.

4. As per Section 59 (1) of A.P. Municipalities Act, 1965, the Government may either *suo motu* or on representation of any member, the Chairperson or the Commissioner in writing; cancel any Resolution if such

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Resolution which is not in accordance with Law or such resolution is in excess of the powers conferred under the Act or such resolution cause financial loss to the Municipality etc., provided that the Government shall before taking action under this section, shall give an opportunity to the concerned for explanation.

5. In the above circumstances, Government have decided to take action for cancellation of the Council Resolution No.13, Dated: 28.04.2008 as recommended by the Commissioner & Director of Municipal Administration, Andhra Pradesh, Hyderabad.

6. Government in the Memo 3rd above issued a notice to the Municipal Council, Nidadavole Municipality, West Godavari District under Section 59 (1) (i) of A.P. Municipalities Act, 1965 to explain within (15) days from the date of receipt of this memo as to why the Council Resolution No.13, Dated:28.04.2008 should not be cancelled, and that if no reply was received within the above stipulated period, it would be construed that they had no explanation to offer in the matter and further action would be taken as per the material available with the Government.

7. In the reference 4th read above the Chairperson, Nidadavole Municipality submitted her explanation to the show cause notice 3rd read above stating that, a Council Meeting was held on 26.11.2008 and the Council passed vide C.R. No.167, dated 26.11.2008 duly resolving that the officials concerned have not acted as per the Act. She requested for disciplinary action against those who voted against the above proposal.

8. Government after careful examination observed that C.R. No. 13 dated 28-4-2008 has resolved to accept the highest rate of Rs. 125.50 Ps quoted by Mr. B. Vijaya Kumar instead of accepting the lowest tender of Rs. 115/-, which is contrary to the tender rules, detrimental to the financial interest of the Municipality and against the larger interest of public. The District Collector, West Godavari vide his letter No. 4083/08, Dt: 22.06.2008 has suspended the C.R. No. 13, dated 28.04.2008 of the Municipal Council Nidadavole under section 70 read with Section 59 (1)(ii)(C) of A.P. Municipalities Act, 1965 taking into consideration the financial loss.

9. The Council in its explanation 4th read above did not file any material on record to defend the action of the Council in passing the C.R No. 13, dated 28.04.2008. In all, Government observed that the above said C.R. No. 13,dated 28.04.2008 deserves cancellation for safe guarding financial interest , adhering to stipulated rules in vogue and in larger public interest.

10. Accordingly, Government in exercise of the powers under sub section (1) of Section 59 of the A.P. Municipalities Act, 1965 (Act No. 6 of 1965) hereby cancel the Council resolution No. 13, dated 28.04.2008 of the Nidadavole Municipality.

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11. The Commissioner and Director of Municipal Administration, Andhra Pradesh, Hyderabad is directed to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PUSHPA SUSBRAHMANYAM
SECRETARY TO GOVERNMENT

To
The Commissioner and Director of Municipal Administration,
Andhra Pradesh, Hyderabad
The Municipal Council Nidadavole Municipality through
Municipal Commissioner, Nidadavole Municipality.

//FORWARDED:: BY ORDER//

SECTION OFFICER